

ATTACHMENT A**Remarks**

By this Amendment, independent claims 1, 22, 28 and 35 have been amended to better define the invention. Other dependent claims have also been amended or canceled consistent with the changes to the independent claims, and/or amended for clarity. It is submitted that the present application is in condition for allowance for the following reasons.

In the *Information Disclosure Statement* section of the outstanding Office Action, the examiner noted that a reference was mentioned in the Background section of the specification but that no IDS had been filed listing this reference. Thus, unless cited by the examiner, the examiner noted that this reference was not considered. This reminder is appreciated, but as evident, this reference has been cited by the examiner so that no IDS therefore is required.

In the *Claim Rejections - 35 USC § 112* section of the Office Action, claim 31 was rejected for being indefinite. By this Amendment, claim 31 has been amended to change "said" to "a" to obviate the antecedent basis problem.

In the Claim Rejections - 35 USC § 102 section, independent claims 1, 22, 28 and 35 together with certain claims dependent therefrom were all rejected under 35 USC § 102 as being anticipated by the Kirkpatrick patent. In addition, independent claim 35 and certain dependent claims were also rejected as being anticipated by the Yang patent. However, for the following reasons, it is submitted that these independent claims are allowable over these references.

By this Amendment, the independent claims have all been amended to claim that there is an easy removal of the weight devices from the compartments. In addition, it is also claimed that the case includes a handle that is integrated with the at least one hinge (or similarly in claim 35, that the handle is located along a hinge axis of the case). By the use of such a handle, when the case is opened to 180° and is laying on the ground, the handle is easily used to lift the hinge between the two (heavy) shells and thus to put the case into the rack configuration with as little effort as possible (see page 11, lines 2-10 of the specification for a fuller explanation).

The Kirkpatrick patent discloses a box which is convertible into a display for the articles contained therein. The box includes a main cover 27 and an outer holder (un-numbered, but including the bottom 21). Connecting the tops of the main cover and outer holder is a double hinged end piece 24. When in the closed position, the end piece 24 closes the end of the outer holder while the main cover closes the top of the outer holder. It will also be noted that the outer holder is configured to receive an inner holder (un-numbered, but depicted part way out of the top of the outer holder in figure 6) slidably therein through the open top end (adjacent end piece 24), and that this inner holder securely holds the articles in place so that the articles can only be removed by removing the inner holder (at least partially) from the outer holder. The provision of the inner holder having to be moved in order to access and remove an article from the display case is taught as an advantageous feature of the invention, since this will deter theft.

Initially it is noted that the box of the Kirkpatrick patent is specifically taught as providing a difficult, or at least time consuming, anti-theft mechanism to remove an

article from the display case. This anti-theft mechanism is counter to the teaching of the present invention that the weight devices are easily removed from the compartments provided; and this easy removal is now more specifically claimed in the amended independent claims as noted above.

It is also noted that the provision of an integral handle as now claimed in all of the independent claims was previously claimed in dependent claim 15 (now canceled), and that this dependent claim was rejected under 35 USC § 103 as being obvious over the Kirkpatrick patent in view of the Bridges patent. Thus, the Bridges patent is now relevant to the rejection of the amended independent claims as well.

The Bridges patent discloses a storage and display case having a cover pivotally mounted thereto. The cover and base have angled (adjacent top) sides whose surfaces mate with one another when the cover is pivoted from the closed position to the open position, at which open position the cover and base are locked in place. By use of the angled sides, the cover and base are oriented so that the display case can be hung from a wall with the base horizontal angled as shown in figure 8. A handle 15 is spaced between projections 13,14 from the base and projections 20,21 from the cover which form the pivotal connection (hinge) between the cover and base.

In paragraph 8 of the Action where the rejection of claim 15 is made, the examiner has suggested that it would be obvious in the Kirkpatrick patent

to form the handle integral with the hinge as taught by Bridges in order to reduce the number of parts for assembly. It has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Unfortunately, applicant does not understand this statement; and applicant additionally asserts that some combination of the Bridges patent handle with the Kirkpatrick patent is not obvious.

In the Kirkpatrick patent there are two hinges connecting the main cover and outer holder (base), hinges 25 and 28 located at each side of end piece 24. This double hinge connection using end piece 24 goes to the heart of the anti-theft mechanism of the Kirkpatrick patent. In particular, without the presence of end piece 24, the display case would not be set up as shown and the teaching of the anti-theft mechanism (making it difficult for articles to be easily removed from the inner holder) would not be available. In particular, the double hinge configuration allows end piece 24 to be temporarily moved out of the way to provide the more difficult access (as described).

The examiner's assertion that it would be obvious to form a handle integral with a hinge in the Kirkpatrick patent is thus not understood initially because it is uncertain what hinge the examiner is considering. In addition, while the Bridges patent does disclose a handle integral with a hinge, this hinge is formed by projections from the adjacent cover and base. In the Kirkpatrick patent the provision of such projections to form a hinge having an integral handle would interfere with the operation and purpose of the end piece 24 as noted above. Therefore, it would not be obvious to provide such a handle and hinge projections of the Bridges patent in either hinge of the Kirkpatrick patent.

The examiner's statement about "reducing parts" is also not understood in view of the above. Perhaps the examiner is considering the substitution of the projections and handle of the Bridges patent for the double-hinged end piece in the Kirkpatrick

patent. If that is the case, then the above statement about destroying the anti-theft effect of the end piece also applies; as it is not obvious to destroy the invention taught in a reference and this is what would occur if such a substitution were made.

Therefore, for all of the foregoing reasons, it is submitted that amended independent claims 1, 22, 28 and 35 are all allowable over the Kirkpatrick patent taken singly or in combination with the Bridges patent. For these same reasons, it is submitted that all of the claims dependent from these amended independent claims are also allowable.

As noted above, independent claim 35 was also rejected as being anticipated by the Yang patent. The Yang patent discloses a folding dumbbell rest which is formed by two cylinders which fold out from one another relative to a respective side of V-shaped plate. A handle is attached to and extends up from the V-shaped plate, and the two cylinders will stand up when folded out by resting on the relatively (and hence unstable) angled bottom portions thereof.

As also noted above, amended claim 35 has been amended to recite that there is a hinge axis and that the handle is located along this hinge axis. The Yang patent does not have such a hinge axis, so no handle could be put therealong; or alternatively, the Yang patent has two separate axes (each cylinder can rotate about its axis extending from the adjacent side of the V-shaped plate relative to the other), but in that event the disclosed handle is not located along either axis and it would not be obvious to put a handle along either such axis as both are significantly off-set from the center of gravity. It will also be appreciated that the Bridges patent adds nothing to the teaching of the Yang patent.

It will also be noted that amended claim 35 recites the use of compartments for the weight devices. The Yang patent discloses only notches 26-28. It is also evident that the cylinders of the Yang patent are not suited for compartments due to their size and circular shape.

Therefore, for all of the foregoing reasons it is submitted that amended independent claim 35 is neither disclosed nor made obvious by the Yang patent, taken singly or in combination with the Bridges patent. Similarly, claims 36-39 dependent therefrom are also allowable.

It is noted that the examiner indicated that the limitation of the weight devices in claim 17 were not positively claimed. By this Amendment, the weight devices are now positively claimed in this claim and thus in the succeeding claims as well dependent therefrom. It is therefore also submitted that such elements are not obvious from the Kirkpatrick patent taken singly or in combination in view of the recited anti-theft mechanism of the Kirkpatrick patent.

In the Action, additional dependent claims were rejected as being obvious over the above noted references used in the anticipation rejections with or without the addition of other references. However, it is submitted that these dependent claims are allowable at least for the same reasons as discussed above for the amended independent claims from which they depend.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.